

HARBOR DEFENSES AND FORTIFICATIONS.

JUNE 20, 1898.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4714.]

The Committee on Military Affairs, to whom was referred the bill (S. 4714) to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes, having carefully considered the measure, fully concur in the opinion of the Secretary of War and prominent officers of the Army, whose communications are appended as a part of this report, that the proposed legislation is urgently needed, and recommend the passage of the bill as amended by the committee.

WAR DEPARTMENT,
Washington, May 4, 1898.

SIR: I have the honor to transmit herewith draft of a bill for the protection of harbor defenses, together with copy of a letter on the subject from Col. J. W. Clous, deputy judge-advocate-general, bearing commendatory indorsements of the commanding general, Department of the East, the Major-General Commanding the Army, and the Chief of Engineers. In view of the existing war and the importance of the legislation proposed, I have the honor to recommend early favorable consideration.

Very respectfully,

R. A. ALGER,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

JUDGE-ADVOCATE'S OFFICE,
HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, New York City, April 27, 1898.

SIR: In view of the existing war, the important interests of the United States in the seacoast defenses, the absence of military jurisdiction over acts committed by civilians elsewhere than at the theater of war, or within a district under martial law, the absence of any statutes of the United States for the protection from injury of its defenses, and the impunity with which such defenses may be interfered with

by designing persons, and the great harm which may result therefrom, I have the honor to submit the accompanying draft of bill for consideration and such action as may be deemed proper.

The second section has been added for the reason that the statutes of the United States do not cover many of the offenses which may be committed upon lands under exclusive jurisdiction of the United States. It is to be observed that the section proposed is identical with section 5391 of the Revised Statutes of the United States, but under the operation of a decision of the Supreme Court its provisions are limited to the laws of the several States in force at the time of its enactment. That section was originally enacted in 1825, and reenacted on April 5, 1866, so that the laws of the States passed subsequent to the latter date are not operative. (See Digest J. A. G., 223; House Ex. Doc. No. 14, Fifty-third Congress, first session.)

Very respectfully, your obedient servant,

J. W. CLOUS,
Deputy Judge-Advocate-General, Judge-Advocate.

The ADJUTANT-GENERAL,
Department of the East.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, April 27, 1898.

Respectfully forwarded to the Adjutant-General of the Army, recommending within to action of the proper authority.

W. MERRITT,
Major-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, April 29, 1898.

The Major-General Commanding concurs with the commanding general Department of the East, first indorsement.

J. C. GILMORE,
Assistant Adjutant-General.

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
May 2, 1898.

Respectfully returned to the Secretary of War with recommendation that the proposed bill be submitted to Congress for early favorable consideration.

The subject of the protection of the defensive works of the country against malicious and willful damage by private persons is deserving of earnest consideration. It is believed that the bill herewith, if enacted into law, will prove effective in accomplishing the object intended.

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

WAR DEPARTMENT,
Washington, June 10, 1898.

SIR: I have the honor to transmit herewith copy of a letter addressed to the Department by Lieut. Col. Charles J. Allen, Corps of Engineers, concerning a serious infraction of the regulations established by this Department for the navigation of the Potomac River, together with indorsements thereon by the Chief of Engineers and Judge-Advocate-General of the Army, calling attention to the fact that there is no law for the enforcement of such regulations. This case is brought to the attention of your committee for consideration in connection with a bill now before it on the subject, in the hope that the matter may receive the early favorable consideration of Congress.

Very respectfully,

R. A. ALGER,
Secretary of War.

Hon. JOSEPH R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

UNITED STATES ENGINEER OFFICE,
Washington, D. C., May 26, 1898.

GENERAL: Notwithstanding that this office has refused to permit Capt. E. S. Randall, proprietor of the Potomac River line of steamboats and owner of River View

Wharf, to run his steamers from that wharf between 8 o'clock p. m. and 4 o'clock a. m., as such would be in violation of the regulations authorized by the Secretary of War for the navigation of the Potomac River in time of war, it is reported to me by Lieutenant Morrow that his steamer, the *Samuel J. Pentz*, left that wharf as follows: May 22, 1898, about 8.30 p. m.; May 23, 1898, about 9.41 p. m.; May 24, 1898, about 10.07 p. m.; May 25, 1898, about 10.05 p. m.

Also that the bulletin announced her hours of leaving that wharf on those nights as follows:

May 22, 1898, at 8.30 p. m.; May 23, 1898, at 9.30 p. m.; May 24, 1898, at 10 p. m.; May 25, 1898, at 10 p. m.

Paragraphs 1 and 2 of the said regulations are as follows:

"1. No vessel will be allowed to pass through the channel between the fortifications at Fort Washington, Md., and Sheridan Point, Va., between the hours of 8 p. m. and 4 a. m., or at times of heavy fogs. During these periods vessels must not approach within two miles below the wharf at Sheridan Point or within two miles above the fortifications at Fort Washington."

"2. No vessel will be allowed to anchor at any time within the above-named limits, except by special authority."

Captain Randall's attorneys, Messrs. Dudley & Michener, in a letter of May 21, 1898, to the Secretary of War, reported upon by me under date of May 24, 1898 (24943-11), claimed, in effect, that he had the right, under the law and regulations, to run his steamboat from River View wharf to Washington at any time between 8 p. m. and 4 a. m., provided he got his boat to the wharf by or before 8 p. m. This claim is answered in my said report of May 24, to which I would respectfully refer.

Captain Randall's steamer carries passengers, excursionists chiefly, on his evening trips from River View to Washington.

It appears evident that he does not propose to fully obey the regulations referred to unless he is forced to do so.

I would respectfully recommend that proceedings be instituted by the United States against Captain Randall, if there is any law under which they can be so instituted.

Very respectfully, your obedient servant,

CHAS. J. ALLEN,
Lieutenant-Colonel, Corps of Engineers.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, U. S. Army, Washington, D. C.

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
May 28, 1898.

Respectfully submitted to the Secretary of War, for his information, in connection with my indorsement of May 26, returning letter of Messrs. Dudley & Michener, in behalf of their client, Capt. E. S. Randall. I know of no law under which proceedings can be taken against Captain Randall for violating the regulations governing the navigation of vessels in time of war.

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., June 7, 1898.

Respectfully returned to the Secretary of War.

This is a recommendation made by Lieut. Col. Charles J. Allen, Corps of Engineers, that proceedings be instituted against Capt. E. S. Randall, proprietor of the Potomac River line of steamboats, and owner of River View wharf, for violation of regulations prescribed by the Secretary of War for the navigation of the Potomac River. There is, however, no law for the enforcement of the regulations.

G. NORMAN LIEBER,
Judge-Advocate-General.

